

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:18-cv-00048-bbc**

Kriemelmeyer, Frederick v. Krebs, Kevin et al
Assigned to: District Judge Barbara B. Crabb
Referred to: Magistrate Judge Stephen L. Crocker
Related Case: 3:18-cv-00148-bbc
Cause: 05:552 Freedom of Information Act

Date Filed: 01/22/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Frederick George Kriemelmeyer

represented by **Frederick George Kriemelmeyer**
319 Main St. Suite 400
La Crosse, WI 54601
(608) 784-1730
PRO SE

V.

Defendant

Kevin Krebs

TERMINATED: 11/09/2018

represented by **Richard Davis Humphrey**
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Defendant

Arnetta Mallory

represented by **David Daly Conway**
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Richard Davis Humphrey
(See above for address)
LEAD ATTORNEY
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Date Filed	#	Docket Text
01/22/2018	<u>1</u>	COMPLAINT for Declaratory and Injunctive Relief against All Defendants, filed by Frederick George Kriemelmeyer. (Case randomly assigned to District Judge Barbara B. Crabb.) (Attachments: # <u>1</u> Exhibit A – Certified mail receipts, # <u>2</u> Exhibit B – FOA request, # <u>3</u> Cover Letter, # <u>4</u> Envelope) (jef) (Entered: 01/22/2018)

01/23/2018	<u>2</u>	ORDER directing plaintiff to submit \$400 filing fee or an affidavit of indigency by 2/13/2018. Signed by Magistrate Judge Peter A. Oppeneer on 1/23/2018. (jef),(ps) (Entered: 01/23/2018)
02/05/2018	<u>3</u>	Motion for Leave to Proceed in forma pauperis by Plaintiff Frederick George Kriemelmeyer. (Attachments: # <u>1</u> blank copy of court form, # <u>2</u> Envelope) (jef),(ps) (Entered: 02/06/2018)
02/09/2018	<u>4</u>	ORDER denying plaintiff's <u>3</u> Motion for Leave to Proceed in forma pauperis. Full \$400 filing fee due 3/5/2018. Signed by Magistrate Judge Peter A. Oppeneer on 2/9/2018. (jef),(ps) (Entered: 02/09/2018)
03/05/2018	<u>5</u>	Motion for Reconsideration re <u>4</u> Order denying leave to proceed in forma pauperis by Plaintiff Frederick George Kriemelmeyer. (Attachments: # <u>1</u> Envelope) (nln),(ps) (Entered: 03/05/2018)
03/05/2018		Filing fee received: \$400.00, receipt number 34690031255. (nln),(ps) (Entered: 03/06/2018)
03/08/2018	<u>6</u>	ORDER denying without prejudice plaintiff's <u>5</u> motion for reconsideration <u>4</u> order denying leave to proceed in forma pauperis. Plaintiff may have until 3/15/2018 to submit a detailed account of his monthly income and expenses as explained in this order. Signed by Magistrate Judge Peter A. Oppeneer on 3/8/2018. (nln),(ps) (Entered: 03/08/2018)
03/21/2018	<u>7</u>	Summons Issued as to Kevin Krebs, Arnetta Mallory. (jef/sent via U.S. mail to plaintiff),(ps) (Entered: 03/21/2018)
04/16/2018	<u>8</u>	Letter from plaintiff requesting a new summons for Kevin Krebs. (Attachments: # <u>1</u> Envelope) (jef),(ps) (Entered: 04/16/2018)
04/16/2018	<u>9</u>	Summons Reissued as to Defendant Kevin Krebs. (jef),(ps) (Entered: 04/16/2018)
05/07/2018	<u>10</u>	Proof of Service filed by Plaintiff Frederick Kriemelmeyer. Kevin Krebs served on 4/25/2018, answer due 6/25/2018; Arnetta Mallory served on 4/6/2018, answer due 6/5/2018. (Attachments: # <u>1</u> Proof of Service as to Arnetta Mallory, # <u>2</u> Proof of Service as to Jefferson Sessions, # <u>3</u> Proof of Service as to Scott Blader, # <u>4</u> Envelope) (nln)(ps). (Entered: 05/07/2018)
05/22/2018	<u>11</u>	ANSWER by Defendants Kevin Krebs, Arnetta Mallory, (Attachments: # <u>1</u> Certificate of Service) (Humphrey, Richard),(ps) (Entered: 05/22/2018)
05/23/2018		Set Telephone Pretrial Conference: Telephone Pretrial Conference set for 6/27/2018 at 01:00 PM before Magistrate Judge Stephen L. Crocker. Plaintiff responsible for contacting the court at (608) 264-5153. Once plaintiff's call has been received, the court will then include counsel for defendant in the conference call. [Notice Regarding the Telephone Preliminary Pretrial Conference attached] (nln),(ps) (Entered: 05/23/2018)
06/05/2018	<u>12</u>	Amended ANSWER by Defendants Kevin Krebs, Arnetta Mallory, (Attachments: # <u>1</u> Certificate of Service) (Humphrey, Richard),(ps) (Entered: 06/05/2018)
06/27/2018	<u>13</u>	** TEXT ONLY ORDER ** At the June 27, 2018 telephonic preliminary pretrial conference in plaintiff's two FOIA lawsuits, both sides agreed to consolidate these lawsuits for all purposes, including a consolidated bench trial on July 22, 2019 at 9:00 a.m. The court will issue a preliminary pretrial conference order that commemorates the rest of the dates leading toward trial. Also, in Case No. 18-cv-148, the court extended to July 13, 2018 plaintiff's deadline to respond to the government's motion to dismiss the personal defendants (dkt. <u>11</u>). The government's reply is due July 23, 2018. Signed by Magistrate Judge Stephen L. Crocker on 6/27/2018. (jef),(ps) (Entered: 06/27/2018)
06/28/2018	<u>14</u>	Pretrial Conference Order – <u>Preliminary Pretrial Packet in Pro-Se Cases</u> attached. Dispositive Motions due 1/18/2019. Final Pretrial Submissions due 6/17/2019. Responses due 7/1/2019. Telephone Final Pretrial Conference set for 7/17/2019 at 04:00 PM. Counsel for defendants responsible for placing the call to the court at (608)

		264-5447. Court Trial set for 7/22/2019 at 09:00 AM before Judge Barbara B. Crabb. Signed by Magistrate Judge Stephen L. Crocker on 6/28/2018. Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (jef),(ps) (Entered: 06/28/2018)
06/28/2018		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference – Pro Se held on 6/27/2018 [:20] Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (nlm),(ps) (Entered: 06/28/2018)
07/13/2018	<u>15</u>	Brief in Opposition by Plaintiff Frederick George Kriemelmeyer re: (11 in 3:18-cv-00148-bbc) Motion to Dismiss filed by U.S. Dept. of State, Chicago Passport Agency (Attachments: # <u>1</u> Note requesting file stamped copy be returned, # <u>2</u> Envelope) Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (elc),(ps) (Entered: 07/13/2018)
07/13/2018	<u>16</u>	Letter from clerk's office in response to plaintiff's request for return of file stamped copy. Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (elc),(ps) (Entered: 07/13/2018)
07/23/2018	<u>17</u>	Request for Production of Documents by Plaintiff Frederick George Kriemelmeyer. (Attachments: # <u>1</u> Request for Return of Copy, # <u>2</u> Envelope) Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (elc),(ps) (Entered: 07/23/2018)
07/23/2018	<u>18</u>	Request for Production of Documents by Plaintiff Frederick George Kriemelmeyer. (Attachments: # <u>1</u> Note from plaintiff Requesting for Return of Copy, # <u>2</u> Envelope) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (elc),(ps) (Entered: 07/23/2018)
07/24/2018	<u>19</u>	Letter from clerk's regarding discovery requests and request for file stamped copies. Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (elc),(ps) (Entered: 07/24/2018)
09/06/2018	<u>20</u>	Motion to Compel by Plaintiff Frederick George Kriemelmeyer. (Attachments: # <u>1</u> Exhibit A – Letter dated 12/1/17, # <u>2</u> Exhibit B – Letter dated 3/7/18, # <u>3</u> Exhibit C – Claim for discovery and mail receipt, # <u>4</u> Cover Letter and Envelope) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (jef),(ps) (Entered: 09/06/2018)
09/06/2018		Set Briefing as to Plaintiff's <u>20</u> Motion to Compel. Defendants' Brief in Opposition due 9/14/2018. Plaintiff's Brief in Reply due 9/21/2018. (jef),(ps) (Entered: 09/06/2018)
09/10/2018	<u>21</u>	Motion to Compel by Plaintiff Frederick George Kriemelmeyer. (Attachments: # <u>1</u> Exhibit A – August 27, 2018 Letter from U.S. Attorney's Office, # <u>2</u> Certificate of Service, # <u>3</u> Cover Letter and Envelope) Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (elc),(ps) (Entered: 09/10/2018)
09/10/2018		Set Deadlines as to (22 in 3:18-cv-00148-bbc, 21 in 3:18-cv-00048-bbc) Motion to Compel. Defendants' Brief in Opposition due 9/17/2018. Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (elc),(ps) (Entered: 09/10/2018)
09/13/2018	<u>22</u>	ORDER in case 3:18-cv-00048-bbc; granting (11) Motion to Dismiss in case 3:18-cv-00148-bbc. Defendants Tillerson and Arde are DISMISSED as defendants from this case. Signed by District Judge Barbara B. Crabb on 9/13/2018. Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (jef),(ps) (Entered: 09/13/2018)
09/14/2018	<u>23</u>	Brief in Opposition by Defendants Kevin Krebs, Arnetta Mallory re: (20 in 3:18-cv-00048-bbc, 21 in 3:18-cv-00148-bbc) Motion to Compel, filed by Frederick George Kriemelmeyer and to Dismiss Defendant Kevin Krebs (Attachments: # <u>1</u> Exhibit A – August 28, 2018 Letter to Kriemelmeyer, # <u>2</u> Certificate of Service) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Humphrey, Richard),(ps) (Entered: 09/14/2018)

09/14/2018	<u>24</u>	Declaration of Natasha Hudgins filed by Defendants Kevin Krebs, Arnetta Mallory re: (21 in 3:18-cv-00148-bbc, 20 in 3:18-cv-00048-bbc) Motion to Compel, (Attachments: # <u>1</u> Exhibit A – July 18, 2018 Ltr to Kriemelmeyer) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Humphrey, Richard),(ps) (Entered: 09/14/2018)
09/17/2018	<u>25</u>	Brief in Opposition by Defendant U.S. Dept. of State, Chicago Passport Agency re: (22 in 3:18-cv-00148-bbc, 21 in 3:18-cv-00048-bbc) Motion to Compel, filed by Frederick George Kriemelmeyer Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (Trillo, Antonio),(ps) (Entered: 09/17/2018)
09/18/2018	<u>26</u>	Declaration of Natasha Hudgins filed by Defendants Kevin Krebs, Arnetta Mallory re: (21 in 3:18-cv-00148-bbc, 20 in 3:18-cv-00048-bbc) Motion to Compel, (Attachments: # <u>1</u> Exhibit A – July 18, 2018 Letter to Kriemelmeyer, # <u>2</u> Certificate of Service) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Humphrey, Richard),(ps) (Entered: 09/18/2018)
09/28/2018	<u>27</u>	Brief in Reply by Plaintiff Frederick George Kriemelmeyer in Support of (20 in 3:18-cv-00048-bbc, 21 in 3:18-cv-00148-bbc) Motion to Compel. (Attachments: # <u>1</u> Exhibits A and B – Envelopes, # <u>2</u> Envelope) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (jef),(ps) (Entered: 09/28/2018)
09/28/2018	<u>28</u>	Brief in Reply by Plaintiff Frederick George Kriemelmeyer in Support of (22 in 3:18-cv-00148-bbc, 21 in 3:18-cv-00048-bbc) Motion to Compel. (Attachments: # <u>1</u> Student ID, inmate ID and driver's license, # <u>2</u> Envelope) Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (jef),(ps) (Attachment replaced on 10/2/2018) (jef). (Entered: 09/28/2018)
11/09/2018	<u>29</u>	ORDER denying (20), (21) Motions to Compel in case 3:18-cv-00048-bbc; denying (21), (22) Motions to Compel. in case 3:18-cv-00148-bbc. Plaintiff's claims against defendant Kevin Krebbs are DISMISSED as moot. Krebs is DISMISSED as a defendant. Signed by District Judge Barbara B. Crabb on 11/9/2018. Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (jef),(ps) (Entered: 11/09/2018)
01/04/2019	<u>30</u>	MOTION FOR SUMMARY JUDGMENT and for the Award of Costs, captioned to case 18-cv-148-bbc, by Plaintiff Frederick George Kriemelmeyer. (Attachments: # <u>1</u> Envelope) Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (jef),(ps) (Entered: 01/04/2019)
01/07/2019	<u>31</u>	Motion for Extension of Time of <i>Dispositive Motion Deadline</i> by Defendant U.S. Dept. of State, Chicago Passport Agency. Motions referred to Magistrate Judge Stephen L. Crocker. Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (Trillo, Antonio),(ps) (Entered: 01/07/2019)
01/07/2019	<u>32</u>	Declaration of Antonio M. Trillo filed by Defendant U.S. Dept. of State, Chicago Passport Agency re: (31 in 3:18-cv-00048-bbc) MOTION for Extension of Time, Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (Trillo, Antonio),(ps) (Entered: 01/07/2019)
01/07/2019	<u>33</u>	** TEXT ONLY ORDER ** ORDER granting (31)Motion for Extension of Time of <i>Dispositive Motion Deadline</i> . Dispositive Motions due 2/19/2019. Signed by Magistrate Judge Stephen L. Crocker on 1/7/2019. Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (nlm),(ps) (Entered: 01/07/2019)
01/15/2019	<u>34</u>	Motion for Extension of Time of <i>Dispositive Motions Deadline</i> by Defendant Arnetta Mallory. Motions referred to Magistrate Judge Stephen L. Crocker. (Attachments: # <u>1</u> Certificate of Service) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Humphrey, Richard),(ps) (Entered: 01/15/2019)
01/16/2019	<u>35</u>	** TEXT ONLY ORDER ** ORDER granting (34) Motion for Extension of Time of <i>Dispositive Motions Deadline</i> .

		The dispositive motions deadline is extended to February 19, 2019 in both case nos. 18-cv-00048-bbc and 18-cv-148-bbc. Signed by Magistrate Judge Stephen L. Crocker on 1/16/2019. Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc. (nln),(ps) (Entered: 01/16/2019)
02/19/2019	<u>36</u>	MOTION FOR SUMMARY JUDGMENT by Defendant Arnetta Mallory. (Attachments: # <u>1</u> Certificate of Service) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Humphrey, Richard),(ps) (Entered: 02/19/2019)
02/19/2019	<u>37</u>	Brief in Support of (37 in 3:18-cv-00148-bbc, 36 in 3:18-cv-00048-bbc) Motion for Summary Judgment by Defendant Arnetta Mallory Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Humphrey, Richard),(ps) (Entered: 02/19/2019)
02/19/2019	<u>38</u>	Declaration of Kevin G. Tiernan filed by Defendant Arnetta Mallory re: (37 in 3:18-cv-00148-bbc, 36 in 3:18-cv-00048-bbc) Motion for Summary Judgment (Attachments: # <u>1</u> Exhibit A – Kriemelmeyer's November 13, 2017 FOIA Request, # <u>2</u> Exhibit B – NSD's December 1, 2017 Acknowledgement Letter, # <u>3</u> Exhibit C – NSD's March 7, 2018 Final Response Letter) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Humphrey, Richard),(ps) Modified on 2/20/2019: This declaration is missing paragraph numbers 6, 10, 16, 17 and 18. See <u>44</u> for corrected declaration. (lak) (Entered: 02/19/2019)
02/19/2019	<u>39</u>	Proposed Findings of Fact filed by Defendant Arnetta Mallory re: (37 in 3:18-cv-00148-bbc, 36 in 3:18-cv-00048-bbc) Motion for Summary Judgment Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Humphrey, Richard),(ps) (Entered: 02/19/2019)
02/19/2019		Set Briefing Deadlines as to (37 in 3:18-cv-00148-bbc, 36 in 3:18-cv-00048-bbc) MOTION FOR SUMMARY JUDGMENT. [Pro Se Summary Judgment Procedure for Cases Assigned to Judge Crabb attached.] Plaintiff's Brief in Opposition due 3/22/2019. Defendant's Brief in Reply due 4/1/2019. Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (nln),(ps) (Entered: 02/19/2019)
02/19/2019	<u>40</u>	MOTION FOR SUMMARY JUDGMENT by Defendant U.S. Dept. of State, Chicago Passport Agency. (Attachments: # <u>1</u> Certificate of Service) Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (Trillo, Antonio),(ps) (Entered: 02/19/2019)
02/19/2019	<u>41</u>	Brief in Support of (41 in 3:18-cv-00148-bbc, 40 in 3:18-cv-00048-bbc) Motion for Summary Judgment by Defendant U.S. Dept. of State, Chicago Passport Agency Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (Trillo, Antonio),(ps) (Entered: 02/19/2019)
02/19/2019	<u>42</u>	Declaration of Eric F. Stein filed by Defendant U.S. Dept. of State, Chicago Passport Agency re: (41 in 3:18-cv-00148-bbc, 40 in 3:18-cv-00048-bbc) Motion for Summary Judgment (Attachments: # <u>1</u> Exhibit A – FOIA Request Dec. 6, 2017, # <u>2</u> Exhibit B – Certificate of Political Status Apr. 27, 2017, # <u>3</u> Exhibit C – State Dept. Letter Jan. 2, 2018, # <u>4</u> Exhibit D – FOIA Request Jan. 15, 2018, # <u>5</u> Exhibit E – Kriemelmeyer Identification, # <u>6</u> Exhibit F – State Dept. Letter May 7, 2018, # <u>7</u> Exhibit G – Kriemelmeyer Letter May 12, 2018, # <u>8</u> Exhibit H – State Dept. Letter Feb. 19, 2019) Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (Trillo, Antonio),(ps) (Entered: 02/19/2019)
02/19/2019	<u>43</u>	Proposed Findings of Fact filed by Defendant U.S. Dept. of State, Chicago Passport Agency re: (41 in 3:18-cv-00148-bbc, 40 in 3:18-cv-00048-bbc) Motion for Summary Judgment Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (Trillo, Antonio),(ps) (Entered: 02/19/2019)
02/20/2019		Set Briefing Deadlines as to (40 in 3:18-cv-00048-bbc, 41 in 3:18-cv-00148-bbc) MOTION FOR SUMMARY JUDGMENT. [Pro Se Summary Judgment Procedure for

		<u>Cases Assigned to Judge Crabb attached.] Plaintiff's Brief in Opposition due 3/22/2019. Defendant's Brief in Reply due 4/1/2019. Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (nlm),(ps) (Entered: 02/20/2019)</u>
02/21/2019	<u>44</u>	Corrected Declaration of Kevin G. Tiernan filed by Defendant Arnetta Mallory (<i>with correct paragraph numbering</i>) re: (37 in 3:18-cv-00148-bbc, 36 in 3:18-cv-00048-bbc) Motion for Summary Judgment (Attachments: # <u>1</u> Exhibit A – Kriemelmeyer's November 13, 2017 FOIA Request, # <u>2</u> Exhibit B – NSD's December 1, 2017 Acknowledgement Letter, # <u>3</u> Exhibit C – NSD's March 7, 2018 Final Response Letter, # <u>4</u> Certificate of Service) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Humphrey, Richard),(ps) (Entered: 02/21/2019)
03/04/2019	<u>45</u>	Notice of Appearance filed by David Daly Conway for Defendant Arnetta Mallory. (Attachments: # <u>1</u> Certificate of Service) Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (Conway, David),(ps) (Entered: 03/04/2019)
03/04/2019	<u>46</u>	Notice of Appearance filed by David Daly Conway for Defendant U.S. Dept. of State, Chicago Passport Agency. (Attachments: # <u>1</u> Certificate of Service) Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (Conway, David),(ps) (Entered: 03/04/2019)
03/04/2019	<u>47</u>	Notice of removal of the instant matter to arbitration (case 18-cv-148-bbc) by Plaintiff Frederick George Kriemelmeyer. (Attachments: # <u>1</u> Envelope) Associated Cases: 3:18-cv-00148-bbc, 3:18-cv-00048-bbc (jef),(ps) (Entered: 03/04/2019)
03/04/2019	<u>48</u>	Answer / Brief in Opposition (case 18-cv-48-bbc) by Plaintiff Frederick George Kriemelmeyer re: (36 in 3:18-cv-00048-bbc, 37 in 3:18-cv-00148-bbc) Motion for Summary Judgment filed by Arnetta Mallory. Associated Cases: 3:18-cv-00048-bbc, 3:18-cv-00148-bbc (jef),(ps) (Entered: 03/04/2019)